February 24, 2006

## **MICHAELSON & ASSOCIATES**

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This collection of information is required by 37 CFR 1.5. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Doc. No.: PTT-209(402790US)

### DECLARATION AND POWER OF ATTORNEY

(Utility Patent Application)

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to  $\ensuremath{\mathsf{my}}$  name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below), of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"A system, a method and a message interceptor for overload protection in a data network"

the specification of which:

- \_\_ is attached hereto
- \_\_ was filed on as Application Serial No.
- with amendment(s) filed
- was filed as PCT international application: PCT/EP2003/014481 and was not amended

hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations section 1.56.

I hereby claim foreign priority benefits under Section 119 of Title 35, United States Code for the above-identified US patent application based on the patent or inventor's certificate identified below and having a filing date before that of the US patent application for which priority is claimed:

Priority Claimed

I hereby claim the benefit under Section 120 and/or Section 119(e) of Title 35 of the United States Code of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose material information, as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Status

<u>Application Serial No. Filing Date Patented Pending Abandoned</u>

#### Power of attorney:

As a named inventor, I hereby appoint:

Peter L. Michaelson (Reg. No. 30,090) Janet M. Skafar (Reg. No. 41,315) George Wolken, Jr. (Reg. No. 30,441) Arthur L. Liberman (Reg. No. 22,698) Jeremiah G. Murray (Reg. No. 20,533) John T. Peoples (Reg. No. 28,250) Ronald L. Drumheller (Reg. No. 25,674) Edward M. Fink (Reg. No. 19,640)

as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office in connection therewith.

Direct all correspondence to Customer Number 007265 at the following address:

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Direct all telephone calls to: (732) 530-6671.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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